

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

Christopher Thomas

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v.

Civil Action No.: _____
(To be assigned by the Clerk of Court)

Craig Apple (Sheriff Department)
United States of America
(District Attorney, Katie Kopka, and
Task Force Officer, Fredrick Horstmyer)

Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Christopher Thomas Inmate No.: 01820-509
Address: FCI HAZELTON, PO BOX 5000, Bruneton Mills, WV
26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: Craig Apple
 Position: Sheriff
 Place of Employment: Albany County Sheriff Department
 Address: Albany County, New York

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☒ No

If your answer is "YES," briefly explain: _____

B.1 Name of Defendant: Katie Kopita
 Position: United States District Attorney
 Place of Employment: United States District Attorneys Office
 Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Katie Kopita was the District Attorney who arranged for Christopher Thomas to be transported by the Albany County Sheriff's Department from Albany County Correctional Facility to the Northern District Federal Courthouse.

B.2 Name of Defendant: Task Force Officer Fredrick William Horstmyer
 Position: Task Force Officer
 Place of Employment: United States of America
 Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: TFO Fredrick William Hestmyer was the lead agent who, with Katie Kopita, arranged for Christopher Thomas to be transported from the Albany County Correctional facility to the Northern District federal Courthouse on March 17, 2023, to view vital discovery.

B.3 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

B.4 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

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B.5 Name of Defendant: _____
 Position: _____
 Place of Employment: _____
 Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: FCI HAZELTON

A. Is this where the events concerning your complaint took place?
☐ Yes ☒ No

If you answered "NO," where did the events occur?

In a transport vehicle outside the receiving garage of the Albany County Courthouse in Albany, New York.

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☐ Yes ☒ No

D. If your answer is "NO," explain why not: N/A

This incident did not occur within the Albany County Correctional facility but occurred while being transported in a motor vehicle (paddy wagon).

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 _____

LEVEL 2 _____

LEVEL 3 _____

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☒ Yes ☐ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): Christopher Thomas

Defendant(s): Craig Apple (Albany County Sheriff Department), US Marshalls

2. Court: Northern District of New York
(If federal court, name the district; if state court, name the county)

3. Case Number: 9:23-CV-734 (DNH/DJS)

4. Basic Claim Made/Issues Raised: This action was dismissed without prejudice pursuant to 28 USC § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b) due to Christopher Thomas's failure to state a claim upon which relief can be granted and failure to submit an amended complaint.

5. Name of Judge(s) to whom case was assigned:
David N. Hurd

6. Disposition: Dismissed without prejudice
(For example, was the case dismissed? Appended? Pending?)

7. Approximate date of filing lawsuit: April of 2023

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8. Approximate date of disposition. Attach Copies: August 3, 2023
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?
☒ Yes ☐ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.
Christopher Thomas sought relief but did not have proper knowledge on how to do so. The action was dismissed without prejudice.
- E. Did you exhaust available administrative remedies?
☐ Yes ☒ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.
Christopher Thomas did not attain the adequate intelligence of procedure. He was injured and sought medical treatment.
- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"
1. Parties to previous lawsuit:

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Plaintiff(s): Christopher Thomas
 Defendant(s): Craig Apple

2. Name and location of court and case number:
Case Number: 9:23-CV-734 (DNH/DJS)
United States District Court Northern District of New York
3. Grounds for dismissal: ☐ frivolous ☐ malicious
☒ failure to state a claim upon which relief may be granted
4. Approximate date of filing lawsuit: April 2023
5. Approximate date of disposition: August 2023

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: A deputy under Sheriff Craig Apple was negligent in his duty by not paying proper attention as he was reversing into the parking garage and struck a pole, causing injury to passengers.

Supporting Facts: Medical records from Albany Memorial Hospital as well as

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Albany Fire Department and Ambulance records.

CLAIM 2: United States District Attorney, Katie Koepke, is responsible for the arrangement of Christopher Thomas to be transported by the sheriff's Department to the District Courthouse.

Supporting Facts: Transportation order for March 17, 2023

CLAIM 3: Task force Officer, Frederick William Horstmyer, was collectively responsible for the arrangement for Christopher Thomas to be transported by the sheriff's Department to the District Courthouse.

Supporting Facts: Transportation order for March 17, 2023

CLAIM 4:

Supporting Facts:

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CLAIM 5:

Supporting Facts:

VI. INJURY

Describe **BRIEFLY** and **SPECIFICALLY** how you have been injured and the exact nature of your damages.

When the transport vehicle (Sheriff Department paddy wagon) struck the pole outside the garage, I sustained injury to my entire right of my body, specifically, my legs, lower back and right side of my neck and head.

VII. RELIEF

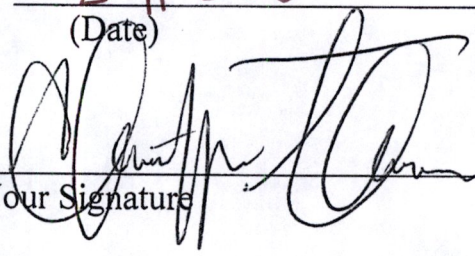
State **BRIEFLY** and **EXACTLY** what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

While in restraints I was violently thrown around the transport vehicle with grown men falling on top of me. I beseech the court for judgment in my favor pain and suffering, medical costs, Court Costs, Attorney fees, and any other legal fees pertaining to this action. Maximum amount of monetary compensation allowable.

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at FCT HAZELTON on 2-11-2025.
(Location) (Date)
Your Signature 

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

Christopher Thomas,
Plaintiff(s)

vs.

CASE NUMBER: 9:23-cv-734 (DNH/DJS)

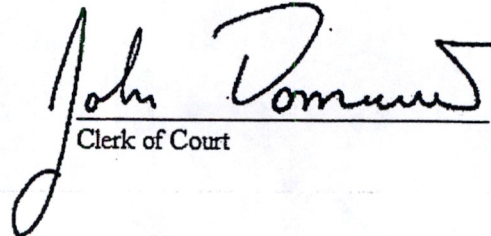
Craig Apple,
Defendant(s)

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that this action is dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b) due to plaintiff's failure to state a claim upon which relief can be granted and failure to submit an amended complaint as directed by the August 3, 2023 Decision and Order of Judge David N. Hurd.

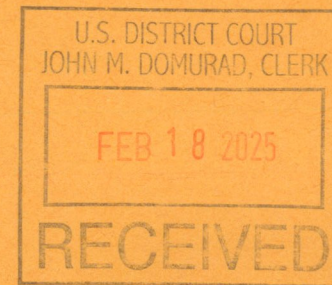
All of the above pursuant to the order of the Honorable David N. Hurd, dated this 3rd day of August, 2022.

DATED: October 17, 2023


Clerk of Court

s/Matthew Bartholomew
Matthew Bartholomew
Deputy Clerk

Christopher Thomas #01820-509
FCI HAZELTON
PO BOX 5000
Bruceton Mills, WV 26525



Clerk of the Court
United States Courthouse
445 Broadway
Albany, NY 12207

